

**REMARKS**

Claims 1-20 presently are pending in the application. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

**Foreign Priority**

The Examiner has acknowledged the claim to foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received.

**Claim Rejections:**

***35 U.S.C. § 112, 2<sup>nd</sup> Paragraph Rejection - Claims 5, 7-10, 15 and 17-20:***

Claims 5, 7-10, 15 and 17-20 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has indicated that it is unclear whether the “border portions” in claims 1 and 11 are the same as the “first” and “second” border portions set forth in claims 5 and 15, respectively. With regard to this rejection, the claims have been amended as shown above and are believed to obviate the rejection.

***35 U.S.C. § 103(a) Rejection - Claims 1-20:***

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over LeNoue et al. (U.S. Patent No. 5,328,123) in view of Maehara (U.S. Patent No. 4,466,585). With regard to this rejection, Applicants have the following comments.

In continuing to reject the claims, the Examiner has simply alleged that:

“it is seen to have been obvious to one having ordinary skill in the art to apply the teachings of LeNoue to the outermost peripheral walls of the tape cartridge to prevent deformation (sink) of the cartridge in the vicinity of the corners ... The teachings are applicable wherever thicker regions that cause deformation are located.”

Applicants have reviewed the Examiner’s comments, and submit that these comments, alone, are insufficient to render the present invention obvious in view of the above references.

Specifically, Applicants disagree with the Examiner’s comments about applying LeNoue to the outermost peripheral walls (in the corners).

First, Applicants have reviewed LeNoue and have found no express disclosure regarding applying the groove 74 at or near the peripheral walls 40 and 44 (see Figure 2). Thus, this assertion by the Examiner is based on the use of improper hindsight to allege that this aspect of the invention is “seen to have been obvious.” Namely, LeNoue only says that the “sink” occurs because of excess shrinkage between the “thicker” interface between the strengthening ribs and the surface of the cover and base. Col. 2, lines 10-13.

Secondly, because of this lack of express teaching a skilled artisan would not be motivated to use LeNoue in such a fashion. Namely, skilled artisans would wish to have the outer portion of the housing (including the peripheral walls) to be as strong and rigid as possible

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 10/699,799

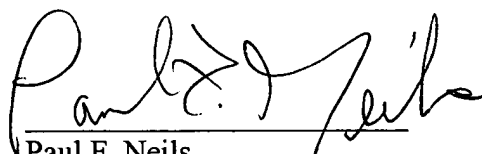
(to prevent damage). As such, a skilled artisan would not be motivated to reduce the thickness of any portion on the outer periphery of the housing, to make the housing more durable.

Furthermore, as indicated above, LeNoue states that the "groove" is to be used to prevent shrinkage at the "thicker interface" between the ribs and cover/base. There is no teaching or indication in LeNoue which indicates that the peripheral walls have "thicker" portions. Thus, again, the Examiner's arguments are not persuasive nor is the claimed invention rendered obvious in view of these references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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